

REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 1, 8, and 24 are amended without prejudice or disclaimer. The claims are amended to distinguish between the two instances of “an identity” in each of the amended claims.

Rejection of Claims 1, 8 and 24 Under 35 U.S.C. §112

The Office Action rejects claims 1, 8 and 24 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants amend the specification to recite support for the amended claims more clearly. The exact language of the amended claim is not present in the specification, but there is no *in haec verba* requirement because newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure. MPEP 2163 I.B. To comply with the written description requirement of 35 U.S.C. 112, paragraph 1, each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure. MPEP 2163 II.A.3.b. Applicants’ original specification includes discussion of storing a voice mail message, storing identification information in a tag, calculating a certainty score, and comparing that certainty score to a threshold. Inherent in this disclosure is the ability to associate the certainty score with a particular voice mail message and store it for future use. One way to store a certainty score is to tag the voice mail with the certainty score. The certainty score threshold may be set to a specific value. If the certainty score threshold is moved up or down, certain borderline voice mail messages may become identifiable or may fall into the unknown category. In order to facilitate changes in the threshold, the certainty score should be stored in order to avoid repetitive, unnecessary calculations. Thus, the amended claim language is inherent in the original

disclosure and the submitted disclosure amendment only clarifies the pre-existing, inherent disclosure.

When an explicit limitation in a claim "is not present in the written description whose benefit is sought it must be shown that a person of ordinary skill would have understood, at the time the patent application was filed, that the description requires that limitation." *Hyatt v. Boone*, 146 F.3d 1348, 1353, 47 USPQ2d 1128, 1131 (Fed. Cir. 1998). MPEP 2163 II.A.3.b. Where no explicit description of a generic invention is to be found in the specification, mention of representative compounds may provide an implicit description upon which to base generic claim language. *In re Robins*, 429 F.2d 452, 456-57, 166 USPQ 552, 555 (CCPA 1970). A person of ordinary skill would have understood from the specification that when a threshold for matching caller identity is subject to change and when certainty scores are calculated and compared to that variable threshold, that certainty scores be retained in some way to avoid redundant calculations when the threshold changes. Storing the certainty in a tag associated with a voice mail message is one way to accomplish this. Therefore, the amended specification only contains subject matter inherent in the original disclosure. Accordingly, Applicants respectfully submit that the 35 U.S.C. § 112, first paragraph, rejection be withdrawn.

Rejection of Claims 1, 4-5, 9-10, 24, 27-28 and 30-31 Under 35 U.S.C. §103(a)

The Office Action rejects claims 1, 4-5, 9-10, 24, 27-28 and 30-31 under 35 U.S.C. §103(a) as being unpatentable over Epstein et al. (U.S. Patent No. 6,327,343) ("Epstein et al.") in view of Kanevsky et al. (U.S. Patent No. 6,219,407) ("Kanevsky et al."). Applicants traverse this rejection and reiterate the arguments previously presented. Regarding claim 1, the new limitation recites "tagging each of the one or more voice mail messages with the respective identity and an indication of certainty of the respective determined identity of the caller for each

respective voice mail message.” The indication of certainty may be obtained or determined, for example, through use of one or more thresholds to determine how certain the match is between a caller and a given voice model. Inasmuch as neither Epstein et al. nor Kanevsky et al. teach recording an indication of certainty of the determined identity, much less tagging voicemail messages with the indication of certainty, Applicants submit that claim 1 is in condition for allowance. Applicants respectfully request that the 35 U.S.C. 103(a) rejection be withdrawn.

Claims 4-5 and 9-10 depend from claim 1 which, as discussed above, contains a limitation not found in Epstein et al. or Kanevsky et al. Similarly, Applicants submit that claims 4-5 and 9-10 are in condition for allowance. Applicants respectfully request that the 35 U.S.C. 103(a) rejection be withdrawn.

Claim 8 has been amended similarly to claim 1 to recite “tagging each of the one or more voice mail messages with the respective identity and an indication of certainty of the respective determined identity of the caller for each respective voice mail message.” Inasmuch as neither Epstein et al. nor Kanevsky et al. teach recording an indication of certainty of the determined identity, much less tagging voicemail messages with the indication of certainty, Applicants submit that claim 8 is in condition for allowance. Applicants respectfully request that the 35 U.S.C. 103(a) rejection be withdrawn.

Claim 24 has been amended similarly to claims 1 and 8 to recite “means for tagging each of the one or more voice mail messages with the respective identity and an indication of certainty of the respective determined identity of the speaker for each respective voice mail message.” Inasmuch as neither Epstein et al. nor Kanevsky et al. teach recording an indication of certainty of the determined identity, much less tagging voicemail messages with the indication of certainty, Applicants submit that claim 24 is in condition for allowance. Applicants respectfully request that the 35 U.S.C. 103(a) rejection be withdrawn.

Claims 27-28 and 30-31 depend from claim 24 which, as discussed above, contains a limitation not found in Epstein et al. or Kanevsky et al. Therefore, Applicants submit that claims 27-28 and 30-31 are in condition for allowance. Applicants respectfully request that the 35 U.S.C. 103(a) rejection be withdrawn.

Applicants do not acquiesce that one of skill in the art would combine these references and reserve the right to argue as such in a future office action.


CONCLUSION

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

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